

## Water Division

### **TRIBAL TRAINING**

#### **EPA / TRIBAL WATER QUALITY DATA ASSESSMENT TOOL PILOT PROJECT**

EPA Region 6, in partnership with EPA Headquarters and 20 tribes nationally (10 tribes in Region 6) are piloting the development of the Water Quality Assessment Tool (ATTAINS). The ATTAINS tool will allow tribes to report national data on the status of water quality on tribal lands and streamline the managing and reporting of water quality data. The redesign will also enhance the network of water quality data management professionals by expanding and improving communication among the tribes and will reduce the burden for paper submissions of data assessments. The ATTAINS Pilot workgroup has been communicating monthly, focusing on the reporting needs that tribes will have when using ATTAINS. The workgroup held a training workshop on October 16-18, 2017 to demonstrate the use of the new assessment tool for tribal staff. The training provided information on water quality standards, QAPP development, and assessment methodology for evaluating water quality data. Tribal staff also received hands on experience building an ATTAINS report for their respective tribal program and, starting in January 2018, tribal participants began uploading their data into the new system. Members of the assessment, listing, and technical (ALT) section have been providing one on one assistance to tribal participants as needed. *Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Mike Schaub, 214-665-7314; Selena Medrano, 214-665-2776; TeAndra Taylor, 214-665-8346; Laura Shumway 202-566-2514*

#### **WATER QUALITY PROGRAM TRAINING**

EPA Region 6 staff conducted a 2-day training in October 2017 in Oklahoma to train beginner to intermediate level tribal staff in the topics related to water quality monitoring programs. Topics that were covered include Monitoring Design and Strategy, Quality Assurance Project Plans, Multi-parameter sonde-pre and post calibration, sonde maintenance and troubleshooting, stream sampling demonstrations, assessment methodologies, tribal assessment reports, and data analysis tools and uploading data. *Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Mike Schaub, 214-665-7314; Robert Cook, 214-665-7141*

### **NPDES PERMITS**

#### **STATUS OF NPDES PERMITS**

During fiscal year 2018, EPA Region 6 will or may be working on several NPDES permits in New Mexico, Oklahoma, and Louisiana located on or in proximity upstream to potentially affected Tribes: New Mexico: Roca Honda Resources Uranium Mine; Chama WWTP, Espanola WWTP; Albuquerque-Bernalillo Co. WUA WWTP, Grants WWTP, and Taos WWTP; Louisiana: Chitimacha WWTP and Choctaw Pines Casino WWTP. General Permits already proposed or in the works include: Hydrostatic Test Temporary Discharge General Permit (OK & TX) and a general permit for Municipal Separate Storm Sewer Systems (MS4) in New Mexico (primarily for those in the Santa Fe, Las Cruces, El Paso, Los Lunas, and Farmington areas). Affected tribes will receive copies of the draft permits at the time of proposal for review during the public comment period or CWA Section 401 certification as appropriate. Tribal consultation will be available to the affected tribes. *Brent Larsen, 214-665-7523*

**LOS ALAMOS COUNTY MUNICIPAL SEPARATE STORM SEWER (MS4)  
DESIGNATION PETITION**

EPA proposed to designate portions of Los Alamos County as a municipal separate storm sewer system (MS4), which establishes requirements to reduce pollution carried by storm water run-off and will help restore waters in the area that are too polluted. The proposed designation is in response to a petition filed by Amigos Bravos for a determination that storm water discharges in Los Alamos County are contributing to violations of water quality standards in certain impaired waters and therefore, require a discharge permit and designation as an MS4. After review of the petition, information provided by LANL and Los Alamos County, and the state's water quality assessment, EPA made a preliminary determination that stormwater discharges on Los Alamos National Lab (LANL) property and urban portions of Los Alamos County result in exceedances of state water quality standards. The proposal was published in the Federal Register on March 17, 2015. A final decision is expected fall 2018, concurrent with development of a permit(s) with input from stakeholders *Nasim Jahan 214-665-7522*

**LOS ALAMOS NATIONAL LABORATORY (LANL) NPDES PERMIT**

EPA Region 6 proposed reissuance of the NPDES permit for stormwater discharges from Los Alamos National Laboratory in Los Alamos, New Mexico in March 2015 and the extended public comment period ended June 25, 2015. EPA held a public meeting prior on the proposal in Los Alamos on May 6, 2015. The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern. LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites. The current permit has been administratively continued. EPA has been working with stakeholders including permittees, environmental/citizens groups and New Mexico Environment Department (NMED) over the last year in the development of permit conditions. EPA is working with NMED to resolve a few controversial issues and expects the Final permit to be issued spring 2018.

*Isaac Chen 214-665-7364*

**HYDROSTATIC TESTING ASSOCIATED WITH KEYSTONE PIPELINE NEAR  
CUSHING OKLAHOMA - SAC AND FOX NATION**

MarketLinc LLC, plans to perform hydrostatic testing on new oil storage tanks near Cushing, Oklahoma. Under a revised testing plan resulting from consultation with the Sac and Fox Nation, the test water would be withdrawn and returned to a nearby pond on a tributary to Wildhorse Creek. Sac and Fox Nation provided comments on the proposed permit, based on MarketLinc's original plan to discharge test waters to Wildhorse Creek, expressing concerns about environmental degradation to Wildhorse Creek as well as potential impacts of raising the flow for Wildhorse Creek from 0.05 MGD to 10.08 MGD. EPA has prepared responses to the tribal comments and forwarded a draft copy to the tribe. **Maria Okpala (214)665-3152, Brent Larsen (214)665-7523**

**UNDERGROUND INJECTION CONTROL****INDUCED SEISMICITY**

Following the September 3, 2016 Magnitude 5.8 earthquake near Pawnee; the November 2, 2016 M4.3 event near Pawnee; and the November 6, 2016 M5.0 event near Cushing, the frequency of Oklahoma earthquakes sharply dropped over the next few months as the Oklahoma Corporation

Commission ramped up its seismicity response actions on disposal wells into the Arbuckle Formation. The trend for seismic activity in the state has continued to drop in more recent months though at a decreasing rate. During 2017, OCC imposed seismicity conditions on hydraulic fracturing operations in response to a flurry of smaller magnitude events associated with these operations. The Region has strongly commended the OCC for its robust actions since the seismic events in late 2016. *Philip Dellinger, 214-665-8324*

## **DRINKING WATER**

### **REVISED TOTAL COLIFORM RULE AND LEAD AND COPPER RULE**

Since April 1, 2016, the Revised Total Coliform Rule (RTCR) became effective for all public water systems. The RTCR replaces the old Total Coliform Rule (TCR) where some of the requirements remain the same (such as frequency and number of routine sampling) and some are new (such as level 1 and 2 assessments). Region 6 and its Technical Assistance Providers continues to deliver RTCR and other regulatory training (such as the Lead and Copper Rule) to tribes and provided technical assistance to help tribes for new rules and refresh tribes on older rules. All tribal water systems under Region 6 completed their RTCR Sampling Plans and all tribal water systems are monitoring under RTCR accordingly. Regarding the Lead and Copper Rule, Region 6 shared the February 2016 Sampling Method Clarification Protocol with tribes and encouraged the tribes to take additional (special) samples when their routine lead sample results approach half (7.5 ppb) of the action level (15 ppb). The purpose of this is to encourage tribes to be proactive in preventing an action level exceedance. Region 6 appreciates the collaboration and cooperation of tribes on the implementation of these two rules, which have been at the forefront of Drinking Water discussions in 2016 and in the coming year. *Meaghan Bresnahan, 214-665-8354, Andrea Abshire, 214-665-6076, Jatin Mistry, 214-665-7483, John Baker, 214-665-7542*

### **SANITARY SURVEYS AND OVERSIGHT**

On the Sanitary Survey front, Region 6 and its technical assistance providers continue to conduct surveys every three years under the Groundwater Rule (GWR) and Surface Water Treatment Rules (SWTRs). In 2016, Region 6 developed a more efficient method and database for tracking, organizing, and updating significant deficiencies; this facilitated our ability to reach out to tribes and provide reminders and technical assistance (on the phone or on site) on correcting significant deficiencies at the water systems. Region 6 appreciates the photos and documentation that have been submitted to date to clear the deficiencies. This effort is helping prevent potential 'failure to correct deficiencies' violations. In addition, Region 6 has been conducting compliance reviews on tribal drinking water projects submitted by the Tribe and/or IHS. These reviews allow EPA and the Tribe and IHS to proactively collaborate to prevent compliance issues before project construction begins. EPA encourages Tribes to notify EPA when there are water system modifications or new construction and to continue submitting drinking water infrastructure design projects for EPA compliance reviews. All of these activities, including the trainings that Region 6 provided, are part of Region 6's increased oversight of states and tribal drinking water systems to ensure compliance under the Safe Drinking Water Act. *Miguel Moreno, 915-533-7273, Meaghan Bresnahan, 214-665-8354, Jose Lugo-Figueroa, 214-665-6462, Jose Rodriguez, 214-665-8087, Jatin Mistry, 214-665-7483, Andy Waite, 214-665-7332, John Baker, 214-665-7542*

**PUEBLO OF SAN FELIPE WASTEWATER SYSTEM IMPROVEMENTS**

The Pueblo of San Felipe's existing Kubota membrane treatment plant was built in 2008 to treat up to 300,000 gallons per day of wastewater. The treatment plant is designed to provide near-drinking water quality effluent to be used by the Pueblo for irrigation if desired. The plant treats wastewater collected throughout the Pueblo which is carried to the plant through a series of collection lines and interceptor sewers.

- **Project Objectives and Needs**

- In order to more efficiently treat existing wastewater flows, San Felipe Pueblo will increase the capacity of its Wastewater Treatment Plant (WWTP) through the purchase and installation of additional membrane units for the Pueblo's Membrane Bioreactor System (MBR) to improve efficiency of the system.
- WWTP Improvements – Improvements will be made to the WWTP Ultra Violet (UV) disinfection system by isolating the UV system in a small room outside, but directly adjacent to the WWTP which will not share the same, somewhat corrosive, atmosphere.
- Improvements to Lift station #1 adjacent to the WWTP and installation of a filtration system / manhole to catch debris before waste is sent to the existing WWTP.

- **Environmental Results or Benefits of Project:**

- Increase number of membranes in Membrane Filtration System will not increase flows, but will allow the plant to operate more efficiently
- WWTP Improvements – UV Disinfection system isolation will improve efficiency and will help ensure proper disinfection of effluent
- Lift Station and filtration system upgrade will improve the operation of the plant, increasing efficiency and keep the WWTP from shut-downs

- **Project Schedule:**

- The new membrane installation and UV system final design is complete and work is projected to be done during calendar year 2017 and 2018.
- Lift Station and filtration system upgrade final design has to be done and construction will be performed in calendar year 2018.
- The Pueblo of San Felipe has already incurred some cost associated with the project and are expected to request approval of pre-award costs. In addition, the Pueblo is working on the project procurement.

- **Project Funding:**

- The Pueblo of San Felipe received a congressional appropriation in the amount of \$165,000 which is being supplemented with Pueblo funding for a total project cost of \$300,000.

**REVIEW OF WATER INFRASTRUCTURE PLANS**

If a tribe is considering having new infrastructure built or added to current infrastructure, such as a well or a treatment system, EPA strongly encourages the tribe and/or IHS to send their engineering design plans to EPA Region 6 for compliance reviews. We review these plans to make sure the new infrastructure will be in line with the regulations and so that the system does not receive significant deficiencies during subsequent sanitary surveys. The point of contact for plan reviews is Jose Lugo-Figueroa, who can be reached at [lugo-figueroa.jose@epa.gov](mailto:lugo-figueroa.jose@epa.gov) or 214-

665-6476; please send Jose design plans in advance of building new infrastructure and we will work with the tribe to help make sure their new infrastructure produces SDWA-compliant water. *Jose Lugo-Figueroa, 214-665-6462, Jose Rodriguez, 214-665-8087, Meaghan Bresnahan, 214-665-8354*

## **TRIBAL FUNDING**

### **STATE REVOLVING FUNDS TRIBAL SET-ASIDES**

The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) completed the FY 2017 award process. Funding for 2018 has not been finalized to date.

The Region's 2017 CWISA program awarded \$2,372,100. Six projects were selected in coordination with the Oklahoma City Indian Health Service (IHS) office; Tonkawa Tribe/Pawnee Nation (\$130,000), Comanche Nation (\$200,000), Kickapoo Tribe (\$12,800), Sac and Fox Nation (\$45,800), Citizen Potawatomi Nation (\$153,000), and the Tonkawa Tribe /City of Blackwell area Tribes (\$280,500). One project was selected in coordination with the Albuquerque IHS office; Pueblo of Zuni (\$1,550,000). FY 2017 was the first time the CWISA program allocated \$2 million from the program to assist in technical and training support across the nation.

The Region's 2017 DWTSA program awarded \$1,889,000. Three projects were selected in coordination with the Oklahoma City IHS office; Ponca Tribe (\$169,250), Sac and Fox Nation (\$214,000), and the Kickapoo Tribe (\$89,000). Three projects were selected in coordination with the Albuquerque IHS office; Pueblo of Acoma (\$629,000), Mescalero Apache Tribe (\$41,750), and Mescalero Apache Tribe (\$746,000).

Final awards to the successful Tribal recipients of the projects selected and the associated CWISA and/or DWTSA were funded by September 2017. *Dena Hurst, 214-665-7283, Sal Gandara, 214-665-3194*

### **WETLAND PROGRAM DEVELOPMENT GRANTS - SEVERAL REGION 6 TRIBES SELECTED**

The 104(b)(3) Wetland Program Development Grants are competitive grants that are part of the EPA Enhancing State and Tribal Programs effort. Funds from these grants can be used to develop and implement a Wetlands Program Plan (WPP). The Core Elements Framework (CEF) outlines the 4 core elements a WPP may include, which are: Monitoring and Assessment, Regulatory Activities including 401 Certification, Voluntary Restoration and Protection, and Water Quality Standards for Wetlands. However, the development of a WPP allows tribes to implement the CEF based on their individual program goals and available resources. Under the 2017/2018 Region 6 solicitation, the Pueblo of Jemez was selected to receive funds. The Region 6 Wetlands Program will be soliciting new grant proposals in FY2019. Our grants are solicited on a two-year cycle. For more information, please see <https://www.epa.gov/wetlands/wetland-program-development-grants> and <https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort>

Ten percent of total national WPDG funds will be set aside for a national, tribal-only competition. (About \$1.3 million per year). Tribes may apply to both RFPs with the same (or different) proposals. We anticipate the RFPs to be very similar in regards to requirements and



selection criteria. Under the 2017/2018 solicitation Seneca Cayuga Nation and Kickapoo Tribe of Oklahoma were selected to receive 104(b)(3) wetlands grants.

*Alison Fontenot, 214-665-7482; Wanda Boyd, 214-665-6696; Sondra McDonald, 214-665-7187*

## **CWA REGULATIONS**

### **MODERNIZING PUBLIC HEARINGS FOR WATER QUALITY STANDARDS**

Under CWA section 303(c) and the federal regulation at 40 CFR 131.20, states and Indian tribes hold public hearings when adopting initial (Tribal) water quality standards (WQS), or when conducting triennial revisions of WQS. Public hearings are held in accordance with provisions of state law or tribal law, as well as EPA's public participation regulation at 40 CFR 25.5 (published in 1979). EPA's Office of Science and Technology has developed draft guidance which identifies options for using modern technology in the public participation process for adoption of new or revised WQS. Examples include, but are not limited to: posting proposed WQS on websites (rather than mailing paper copies); providing notification of proposed WQS revisions by email (rather than mailing letters); and, holding a public hearing via a web conferencing platform. The draft guidance is available for review through EPA HQ's Tribal Consultation Opportunities Tracking System (TCOTS)

at: <https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>. EPA HQ scheduled an informational webinar on the draft guidance for tribal leaders and staff on March 15, 2018. Tribal consultation is anticipated to conclude on April 20, 2018. While incorporating technology in the public participation process may have advantages, states and Indian tribes are not required to do so. *Diane Evans, 214-665-6677*

### **BASELINE WATER QUALITY STANDARDS**

In June 2016, EPA initiated pre-rulemaking consultation and coordination with Indian tribes to explore an action that would establish federally-promulgated baseline water quality standards (WQS) for waters on Indian reservations that do not have EPA-approved WQS effective under the Clean Water Act. EPA published an Advance Notice of Proposed Rulemaking (ANPRM) on September 29, 2016, to receive specific and clear guidance from tribal governments and other interested parties on a proposed future federal promulgation for tribal water quality standards. (Note: EPA's current thinking is that off-reservation allotment lands for individual members would not be covered, due to difficulties in identifying these parcels with certainty in the near term.) The 90-day comment period on the ANPRM closed on December 28, 2016. EPA received comments from 35 entities, including Indian tribes, states, individuals and other organizations. EPA is reviewing these comments, along with input received from the earlier Tribal consultation periods, and will brief the new administration for further direction. Information is available at: <https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian> or through the regulatory docket (<https://www.regulations.gov/docket?D=EPA-HQ-OW-2016-0405>). *Diane Evans, 214-665-6677; Tina Alvarado 214-665-2709*

### **CWA 404 NATIONWIDE PERMIT REISSUE PROCESS:**

EPA is the agency required to address water quality certification for tribes that have not received treatment in the same manner as a state for the water quality standards and CWA 401

certification program. For the Corps of Engineers' 2017 Nationwide Permits (NWP), Region 6 only issued "blanket" certification for the 52 NWPs when a tribe specifically requested that we do so. Multiple tribes did make that request. For the remainder of tribes, when a project requires a Clean Water Act, Section 404 NWP from the Corps of Engineers, application must also be made to EPA for the 401 certification of that project before construction can begin. EPA will contact the tribe involved to make sure they are aware of the project and have had adequate opportunity to express their concerns about potential water quality impacts from the project. Once that has occurred EPA will proceed with 401 certifications.

At any time a tribe wishes to bypass this extra review step, Region 6 is still willing to issue the "blanket" certification for all 52 of the NWPs from the request date through March, 2022, when the five-year NWP expiration date is reached.

**Allison Fontenot 214-665-7482**

## **WATERS OF THE UNITED STATES**

On February 28, 2017, President Trump issued an Executive Order (E.O.) on "Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the 'Waters of the United States' Rule", directing the Administrator of the EPA and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule published in 2015, and publish for notice and comment a proposed rule rescinding or revising the rule. To meet the objectives of the E.O. in a clear and expeditious approach, the agencies have decided on a two-step approach:

- 1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that has been in place for decades, and thus maintains the status quo; and
- 2) a rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O.

The agencies have taken several actions consistent with the E.O. and our two-step approach:

Step 1: The Step One proposed rule: Definition of "Waters of the United States" – Recodification of Pre-existing Rules, was published for public comment in the Federal Register on July 27, 2017, and the comment period closed on September 27, 2017. Over 600,000 comments were received by the agencies, and comments have been posted to the docket, which can be accessed at <http://www.regulations.gov>, docket number EPA-HQ-OW-2017-0203-0001. The agencies are currently working to complete a response to public comments.

Step 2: Per EPA policy, we initiated consultation with tribal governments on April 20, 2017 regarding the new definition to be developed under Step 2. The agencies held a series of meetings with various groups as part of the consultation processes and have posted for public review each of the letters received as part of the consultation processes. Letters received from tribes and states are posted on the EPA WOTUS Rule website under "Rulemaking Process".

The EPA continues to receive individual requests from tribes for Government-to-Government consultation for the WOTUS rulemaking on an ongoing basis. The EPA will also hold an in-person meeting in Washington D.C. the week of March 5<sup>th</sup>, 2018, to engage in open dialogue

about the proposed rulemaking with approximately 25 participants representing tribes from across the country. The Region 6 RTOC identified three tribes who plan to send representatives to the meeting: Pueblo of San Felipe, Kickapoo Tribe of Oklahoma and Seneca-Cayuga Nation.

In addition, on February 6, 2018, the agencies finalized a rule adding an applicability date to the 2015 Clean Water Rule, so that it is not applicable until February 6, 2020. Meanwhile, the U.S. Supreme Court ruled unanimously that challenges to the Clean Water Rule should begin in federal district courts rather than directly in appeals courts. This decision directed the 6<sup>th</sup> Circuit U.S. Court of Appeals to dismiss the petitions for review filed in that court for lack of jurisdiction, and will revive pending district court challenges to the Rule, a process which is already underway in several district courts.

Until a new regulation is in place, the agencies will continue to implement the longstanding regulatory definition, consistent with the 2003 and 2008 agency guidance interpreting that definition in light of the *SWANCC* and *Rapanos* Supreme Court decisions.

More information about the Waters of the U.S. Rulemaking can be found at

<https://www.epa.gov/wotus-rule>

***Alison Fontenot, 214-665-7482***



## Multimedia Division

### Air Programs Branch

#### Tribal Consultation and Coordination:

**Oklahoma NESHAPs Delegation Tribal Consult Letter:** EPA Region 6 transmitted a letter November 1, 2017, to Oklahoma Tribal Nations inviting them to consult on Oklahoma Department of Environmental Quality's (ODEQ) request to update their delegation of NESHAP standards. In addition to the requesting an update to its delegation over non-tribal lands within the State, ODEQ has requested delegation for the implementation and enforcement of the NESHAPs for all sources (both part 70 and non-part 70 sources) located on non-reservation areas of Indian country, including individual allotments and dependent Indian communities. EPA would treat as reservations trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally delegated a reservation and would continue to implement the NESHAPS within those areas. EPA held one consultation meeting with Tribes after the last RTOC meeting, and since that time ODEQ has met with several Tribal Nations who requested consultation with EPA to discuss their delegation request. ODEQ is also continuing discussions with EPA Region 6 based on its feedback from meetings with Tribal Nations in Oklahoma who have expressed a desire to consult. In the near term, we expect those discussions to continue as EPA determines the next steps on ODEQ's request to update its NESHAP delegation. *Jeff Robinson, 214-665-6435.*

#### Tribal Permitting:

On January 25, 2018 the US EPA issued a guidance memorandum withdrawing the "once in always in" policy for the classification of major sources of HAP under section 112 of the CAA. With this new guidance sources of hazardous air pollutants previously classified as "major sources" may be reclassified as "area" sources. Additional information is at: <https://www.epa.gov/newsreleases/reducing-regulatory-burdens-epa-withdraws-once-always-policy-major-sources-under-clean>

#### **Region 6 Tribal Permits:**

All EPA proposed permits will be noticed via e-notice on the Region 6 webpage at <https://www.epa.gov/caa-permitting/caa-permitting-epas-south-central-region>.

In September, Williams Four Corners LLC. (Williams) informed EPA of a fire to the Ojito compressor station on Jicarilla Apache. The compressors at the Ojito facility will be permanently dismantled and removed and as a temporary measure, Williams requested to install a 1100 HP engine. EPA approved Williams request on October 17, 2017. All information is on the EPA website as above.

EPA has public noticed the synthetic minor permit for the Lindrith Compressor Station (Lindrith) on Jicarilla Apache on January 24, 2018. Public comment period ends on February 23, 2018. Enterprise Field Services own Lindrith and requested an increase in VOC emissions

resulting from the potential processing higher rates of condensate in the feed from the natural gas gathering line. EPA Region 6 provided consultation opportunities to the tribes surrounding this facility [Jicarilla Apache, Southern Ute, Pueblo of Jemez and Navajo nation] and did not receive any comments. This permit and related documents is at: <https://www.epa.gov/caa-permitting/tribal-nsr-permits-epas-south-central-region>. Currently the facility is operating with a Part 71 permit. EPA expects to finalize the synthetic minor permit before the April RTOC and Tribal Environmental Summit meeting occurs.

We continue to provide early notification to the adjacent tribal nations in case they wish to consult on a permitting action in accordance with the Region 6 Consultation and Coordination Policy with Federally Recognized Indian Tribes. *Bonnie Braganza, 214-665-7340*

### **Tribal Funding:**

**FY2018 Tribal Air Funding:** In FY2018, EPA Region 6 expects to receive approximately \$1.1 million to support assistance agreements under statutory provisions of the Clean Air Act Section 103 and Section 105. In December 2017, the Office of Environmental Justice and Tribal Affairs (OEJTA) sent a collective email to Tribal Leaders including a solicitation for proposals for air projects and program activities to be conducted in FY2019. As a result, 16 proposals totaling over \$1.9 million in funding requests were received by February 16, 2018.

On March 1, 2018, the proposals were submitted to a panel of technical and administrative Air Program staff for recommendations of approval, partial approval, and non-approval. Currently, Region 6 management is reviewing the recommendations. All applicants will be notified, via an email from Aunjaneè Gautreaux, of their specific recommendation and the basis for that recommendation by May 1, 2018. Successful applicants will be asked to submit a formal application in Grants.gov and all awards will be finalized by September 30, 2018.

Note: The Tribal Air Guidance manual, Protecting Tribal Air Quality Options and Opportunities, is available to Region 6 Tribes as a tool to assist in project and grant proposal development for future Tribal Air funding opportunities. Due to changes with EPA's internet, the guidance document is not currently posted. However, an electronic copy of the document is shared with Region 6 tribes, annually, and may be requested throughout the year. *Aunjaneè Gautreaux, 214-665-7127.*

**Diesel Emissions Reduction Act (DERA) FY2018 Tribal Funding:** Status of tribal funding has not been determined. *William Rhea, 214-665-6767.*

### **Current and Upcoming Regulations:**

**Designations under the 2015 Ozone Standard:** On November 6, 2017, EPA finalized designations for attainment/unclassifiable areas for most of the United States. On December 21, 2017, EPA proposed its intended designations for the remaining undesignated areas, with the exception of the San Antonio, Texas area. The EPA intends to finalize its designations for all areas except San Antonio by April 30, 2018 and intends to finalize its designations for the San Antonio area by August 10, 2018. The EPA does not intend to designate any of the tribal areas in

Region 6 as nonattainment. For additional information on air quality designations for ozone, including a fact sheet and published rulemaking actions, please visit our website at <https://www.epa.gov/ozone-designations>. *Carrie Paige, 214-665-6521.*

**Designations for Sulfur Dioxide:** EPA is developing designations for the 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) in four parts: Round 1) Existing monitoring data; Round 2) Consent Decree (CD) listed sources; Round 3) Data Requirement's Rule (DRR) air modeling; and Round 4) air monitoring for all remaining sources.

In Round 2, EPA proposed but did not finalize a designation to nonattainment for the area in the vicinity of the OG&E Muskogee plant. We are considering whether the company's planned switch to natural gas for two of the units can remove the need to finalize a nonattainment designation.

Round 3 designations were based on modeling to characterize air quality. The EPA published its final Round 3 area designations on January 9, 2018. Region 6 characterized Round 3 sources and delineated the designation areas for each source on or nearby tribal land as follows (final designations in parenthesis):

- Four Corners Steam Electric Station, Navajo Nation, San Juan County, New Mexico (Attainment/Unclassifiable) (Region 9 lead);
- San Juan Generating Station, San Juan County, New Mexico (Attainment/Unclassifiable);
- Continental Carbon- Ponca City Plant, Kay County, Oklahoma (Attainment/Unclassifiable);
- Orion Engineered Carbons- Ivanhoe Carbon Black Plant, Columbia Chemicals- North Bend Plant, and Cabot Corp- Canal Plant all in St. Mary Parish, Louisiana (Unclassifiable); and
- CLECO Power- Brame Energy Center, Rapides Parish, Louisiana (Attainment/Unclassifiable).

The Round 3 designations are effective on April 9, 2018. *Ruben Casso, 214-665-6763.*

## Voluntary Programs

**The Advance Program:** The EPA's Advance Program supports states, tribes and local governments that want to take proactive steps to keep their air clean by promoting local actions to reduce ozone and/or fine particle pollution. Advance currently has 46 active participants located in 24 states and 9 of the 10 EPA Regions. These include 26 Ozone Advance areas, 11 PM Advance areas, and 9 areas that are enrolled in both Ozone and PM Advance. For more information, please visit <https://www.epa.gov/advance>. *Ken Boyce, 214-665-7259.*

## **Pesticides, Toxics, Underground Tanks Branch**

### **Tribal Consultation and Coordination:**

**Oklahoma Coal Combustion Residue Permitting Program – Oklahoma Department of Environmental Quality, Program Approval:** The Oklahoma Department of Environmental Quality (ODEQ) has requested review and approval of their permit program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual (CCR) units. There are 6 CCR facilities in Oklahoma. In a Federal Register notice published on January 16, 2018, EPA proposed to approve the application submitted by Oklahoma to allow the Oklahoma CCR state permit program to operate in lieu of the federal CCR program. EPA has preliminarily determined that Oklahoma's program meets the standard for approval under the Resource Conservation and Recovery Act. EPA is seeking comment on this proposal and in response to requests for additional time, is extending the comment period so that comments are now due on or before March 19, 2018. EPA held a public hearing on February 13, 2018 at the ODEQ building located at 707 N Robinson Avenue, Oklahoma City, Oklahoma.

On October 12, 2017, letters were sent to tribal leaders offering consultation and coordination regarding the Oklahoma Coal Combustion Residuals (CCR) Permit Program Application. On October 19, 2017, Region 6 began the government-to-government consultation and coordination by having a conference call to answer questions on the CCR program and the Oklahoma application. *Robbie Snowbarger, 214-665-7131*

### **New and Upcoming Regulations:**

**Certification and Training Rule for Applicators of Restricted Use Pesticides:** The Final Rule was published in the Federal Register January 4, 2017, with an original effective date of March 6, 2017. The effective date was subsequently delayed by EPA until May 22, 2018. Major changes to the proposed final rule include a new maximum recertification period of 5 years; new minimum age of 18 for private and commercial applicators; and non-certified applicators must qualify as competent to use Restricted Use Pesticides with new training requirements. EPA has initiated a process to revise the minimum age requirements and expects to file a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the rule by the end of 2018. However, the implementation dates in the January 4, 2017 final rule for 1) certifying authorities to submit a revised certification plan and 2) for EPA to act on those plans remains in effect. EPA has no plans to change these implementation dates. States, Tribes and Federal agencies will have until March 4, 2020, to submit revised certification plans to EPA for approval. *Greg Weiler, 214-665-7564*

**New Underground Storage Tanks (UST) Regulations:** The new EPA UST regulations provide additional protections for UST facilities on Indian land. Deadlines for requirements taking effect were October 13, 2015, April 11, 2016, and finally October 13, 2018. Under the new construction requirements, facilities will provide early notification, resulting in better protection from petroleum leaks into the environment. The new regulations require training for three classes of operators at all UST facilities: Class A, B and C. The training must be completed prior

to October 13, 2018. Several new UST facilities have been constructed on tribal lands, which had to meet the new secondary containment requirements, and one emergency generator UST was recently constructed in Oklahoma. OUST has prepared compliance assistance publications and is developing a certification test that must be taken to obtain a certification certificate. Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) are providing training to the tribes in support of the required certification. *Larry Thomas, 214-665-8344.*

### **Program Implementation:**

**Tribal Underground Storage Tanks (UST) Inspections:** During FY2018, Region 6 will inspect approximately 40 UST facilities operated on Tribal lands. Individual notifications for these inspections are sent to the owner/operator and the Tribal environmental offices 30 days before the inspection. The operators of these facilities are provided compliance assistance during the inspections. Compliance at Region 6 tribal facilities remains high, at over 88% for the last three years. *Larry Thomas, 214-665-8344; Heather Mann, 817-291-9106.*

### **Grants:**

**Pesticide Program Grants:** Cooperative agreements were awarded to two tribal consortia, the Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC), to assist tribes in building capacity for pesticide programs. The goal of the tribal pesticides program is to make tribes aware of the benefits and risks of pesticides and the requirements for their safe use, thereby safeguarding human health and the environment. Projects are ongoing and are meeting negotiated work plan criteria. Mid-Year reviews have been conducted. *Elizabeth Reyes, 214-665-3163/Eric Nystrom, 214-665-6752*

**Lead Paint Program Grants:** The Cherokee Nation of Oklahoma was awarded a grant for 2018 to conduct a Lead Based Paint Program. The focus of the program is maintaining the appropriate infrastructure to successfully administer and enforce the lead based paint program; providing training for lead inspectors; conducting inspections of licensed contractors engaged in lead-based activities; and taking appropriate enforcement when needed. The program is ongoing and grantee is meeting all program criteria and work plan goals. The Cherokee Nation is one of only two tribes in the US that applied to EPA for treatment as a state and passed legislation to run their own lead-based paint program. *Mike Adams, 214-665-6711*

**Underground Storage Tanks (UST) Grants:** The Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) grants are ongoing and are providing compliance assistance to tribal UST owners and operators. The work of these two organizations has been instrumental in maintaining a high compliance rate at Region 6 Tribal facilities. *Audray Lincoln, 214-665-2239.*

## **Hazardous Waste Branch**

### **Grants:**

The Office of Land and Emergency Management at EPA Headquarters annually awards a limited number of grants to Tribes under the statutory provisions of the Resource Conservation and Recovery Act, Subtitle C, Hazardous Waste Management Grant Program for Tribes. These grants are for the development and implementation of hazardous waste programs and for building capacity to address hazardous waste management in Indian country. The FY18 solicitation for proposals is expected to be announced later this spring. ***Maurice Hill, 214-665-8523***

### **New and Upcoming Regulations:**

**e-Manifest User Fee Rule:** EPA completed the User Fee Final rule in December 2017 and published it on January 3, 2018 (83 FR 420). The final rule establishes the methodology that EPA will use in setting and revising user fees in order to recover the full costs of the electronic manifest system. This includes costs incurred in developing, operating, maintaining, and upgrading a national e-Manifest system, as well as any costs incurred in collecting and processing data from any paper manifest submitted to the e-Manifest system after the date on which the system begins to operate on June 30, 2018. ***Matt Loesel, 214-665-8544; and Melissa Smith, 214-665-7357.***

### **Tribal Consultation and Coordination:**

**Fort Wingate Depot Activity, New Mexico:** Fort Wingate Depot Activity (FWDA) closed under Base Realignment and Closure (BRAC) in 1993. Closure and post-closure is managed under a New Mexico Environment Department 2005 state Resource Conservation and Recovery Act (RCRA) permit for closure and post-closure. Base size at closing was 21,131 acres. Most of the facility is scheduled to be returned to the Navajo Nation and the Pueblo of Zuni. Nine of the facility's 25 land parcels, totaling 2,496 acres, were transferred to Department of Interior (DOI) via an August 3, 2017, letter from the Department of the Army to DOI. These parcels were previously approved by NMED for No Further Action and removed from the RCRA permit. Major remediation work at the former Open Detonation/Open Burn (OB/OD) Area resumed in July 2017. Tribal and BIA participation continues in the base closure process. There was a regularly-scheduled Base Closure Team meeting in Gallup on November 8, 2017. ***Laurie King, 214-665-6771.***

### **Facility Specific Information:**

**Los Alamos National Laboratory Hexavalent Chromium Groundwater Plume, New Mexico:** Potassium dichromate was used in the cooling towers at some of the Los Alamos National Laboratory (LANL) power plants. It is estimated that up to 72,000 kg of hexavalent chromium cooling water was discharged into Sandia Canyon from 1956-1972. The discharged water traveled downstream approximately 2 miles to an infiltration point in Sandia Canyon, where hexavalent chromium has contaminated the regional aquifer, which is approximately



1,000 feet below ground. The most recent contaminant-characterization monitoring well to be installed was SIMR-2, located on Pueblo de San Ildefonso. The well is located slightly off-gradient of the main-plume front along the southern facility boundary. The most recent sampling at SIMR-2 occurred on June 21, 2017, and showed chromium at 4.30 ppb. The New Mexico Environment Department (NMED) standard is 50 ppb. The average background concentration of hexavalent chromium in the regional drinking-water aquifer is 4.16 ppb, with an upper tolerance limit at 7.48 ppb. The Interim Measures (IM) plume control, as implemented by LANL in 2015, consists of four extraction wells and six injection wells. LANL is currently constructing the fourth extraction well, CrEX-4, and completed the sixth injection well, CrIN-6. CrEX-4 is located along the southwest edge of the plume-front. Once CrEX-4 is completed, aquifer testing and sampling and analyses for chromium and other contaminants will take place. CrIN-6, the last injection well to be installed as part of the LANL's IM for plume control, is located along the northeastern edge of the plume-front and produces chromium at 270 ppb. Functional testing of the IM chromium plume-control pump, treat, and re-injection system is in progress. Once testing is complete, LANL will initiate extraction and injection along the southern-facility boundary with the objective of achieving and maintaining a 50-ppb downgradient plume edge within the facility boundary. **Laurie King, 214-665-6771.**

## **Compliance Assurance and Enforcement Division**

### **Tribal Safe Drinking Water Act Update**

We thank our Tribal and Pueblo partners for their continued efforts to work with EPA to comply with existing orders on consent to bring public water systems into compliance with National Drinking Water Standards. A couple systems have had problems recently. We will be contacting those Tribal Nations or Pueblos to discuss what actions can be taken to return to compliance. We are also continuing to inspect Tribal and Pueblo public water systems. Our inspectors will continue to contact you in advance prior to inspection.

*Jerry Saunders, 214-665-6470*

### **Region 6 Conditionally Approves Operating Parameters for Medical Waste Incinerator on the Nambe Pueblo**

On October 31, 2017, EPA Region 6 conditionally approved Monarch Waste Technologies' petition for site-specific operating parameters for the air pollution control equipment to be used at the hospital/medical/infectious waste incinerator located on the Nambe Pueblo. The Pyromed 550 Pyrolysis System is subject to the New Source Performance Standards (NSPS) for Hospital/Medical/Infectious Waste Incinerators (HMIWI) (40 C.F.R. Part 60, Subpart Ec). Since the air pollution control equipment is different than any of the configurations specified in the rule, a petition was required for approval prior to operation of the incinerator. An EPA inspector was present when the facility began operating on November 20, 2017, and we shared the inspection report with the Nambe Pueblo and posted it on the agency's web site. The facility experienced an equipment failure and shut down for repairs the first day it began operating, and it has not provided EPA with a timeframe for bringing the unit up to full operational capacity. Since the facility is located on tribal land, EPA Region 6 is responsible for permitting it and sent Monarch a letter on December 7, 2017, requesting that it submit a Title V permit application by June 1, 2018. Representatives from both the Nambe Pueblo government and the economic development council have been active participants in technical meetings with Monarch and EPA to discuss NSPS substantive rule requirements and associated CAA permitting requirements.

*Darrin Larson, 214-665-7115*

## Superfund Division

### TRIBAL CONSULTATION AND COORDINATION

#### VARIOUS REMOVAL/REMEDIAL ISSUES

**Jackpile-Paguate Uranium Mine Site:** The initial Scoping documents for conducting a Remedial Investigation and Feasibility Study are being prepared by Atlantic Richfield with EPA and tribal oversight. Field assessments are anticipated to take place this spring to support the work associated with developing the Preliminary Conceptual Site Model. Representatives from the Agency for Toxic Substances and Disease Registry (ATSDR) will be available on March 21, 2018, at the Laguna Pueblo Tribal Auditorium to discuss the public health investigation report findings with Tribal leadership and community members. A site tour of the Jackpile Mine site is scheduled on March 22 for ATSDR's Atlanta team. *Blake Atkins 214-665-2297*

**Quapaw Tribe:** EPA continues to work closely with the Quapaw Tribe and the Oklahoma Department of Environmental Quality (ODEQ) in implementing the Tar Creek Superfund site remedy. Since the awarding of a Remedial Action Cooperative Agreement (CA) in FY2012 for the Catholic 40, the first-ever CA in the nation where a Tribe performed a Superfund remedial action on property that they own, the EPA has continued to award the Quapaw Tribe CAs for remedial actions at Beaver Creek North (CP060), Distal 7 North (Drainage Feature), Distal 10/12, and Distal 13. CAs with the Tribe for remedial actions of the Bird Dog chat base, and other areas of the site, are being discussed.

A Bench-Scale Study on the use of soil amendments, led by the EPA's Environmental Response Team, was recently completed at the Catholic 40 (Quapaw tribal trust land). The purpose of the study was to determine if soil amendments can reduce the bioavailability of cadmium, lead, and zinc. The successful use of soil amendments could reduce the amount of transition zone soils (i.e., native soils underneath chat piles/bases) which would otherwise be excavated and taken to a repository for final disposal. The Quapaw Tribe, with technical assistance from the EPA and the ODEQ, is implementing long-term performance measures at the Catholic 40 and Distal 13 to determine the effectiveness of the soil amendments in meeting the remedial action objectives specified in the 2008 Record of Decision for Operable Unit 4 (OU4 - Chat Piles, Other Mining Wastes). The EPA, Quapaw Tribe, and the ODEQ are discussing additional options for reducing the amount of soils that are excavated from the Site and disposed at the central repository. *Blake Atkins 214-665-2297*

**Tar Creek OU5 (Surface Water and Sediments):** EPA is working with tribes, states, and other federal agencies to plan, report and review the risk assessment. EPA and the tribes are discussing the appropriate use of settlement money earmarked for OU5 activities. EPA in coordination with the tribes, states, and other federal agencies completed the OU5 remedial investigation field sampling activities starting in July 2017 and ending in November 2017. Other joint activities included the review and comment on the Data Gap Report, the review and development of the conceptual exposure model for the human health risk assessment, and the review and development of the field sample plan. The next stakeholder meeting is planned for March 2018

and will focus on field sampling accomplishments, potential data gaps, and a discussion of the comments submitted on the draft human health risk assessment. The EPA will continue to coordinate with the tribes interested in the Tar Creek Site through periodic meetings and conference calls. **Blake Atkins 214-665-2297**

**Wilcox Oil Company:** On February 6, 2018, formal Tribal Consultation request letters were sent to the Sac and Fox Nation, Muscogee (Creek) Nation, and Cherokee Nation regarding the draft Source Control Proposed Plan. EPA has not received a request for consultation at this time. Copies of the draft plan have also been provided to the tribal environmental staff. EPA would like to release the Proposed Plan to the public by April 30, 2018.

The last open house was held on November 2, 2017, and provided an update on current site activities. EPA and ODEQ continue to coordinate with the tribal groups interested in the Wilcox Site. The Inter-Tribal Environmental Council (ITEC), Sac and Fox Nation, Muscogee (Creek) Nation, Cherokee Nation, Bureau of Indian Affairs, and Indian Health Service participate in the site meetings and visits. Since finalizing the site Sample and Analysis Plan, EPA completed remedial action field events, the most recent being in October/November 2017. **Blake Atkins 214-665-2297**

**Oklahoma Refining Company:** In April 2018, the EPA and ODEQ are planning to meet with the Mayor of Cyril and the ITEC to provide an update on the status of the remedial activities being performed at the Oklahoma Refining Company Superfund Site located in Cyril, Oklahoma. EPA and ODEQ plan to discuss the current status of the Remedial Design associated with Operable Unit 2 (North Side) as well as recent surface water and ground water sampling results associated with Operable Unit 3. **Blake Atkins 214-665-2297**

**New Mexico Abandoned Uranium Mines:** Investigations into the impacts on groundwater from legacy uranium mining and milling are continuing. The Phase 2 Ground Water Investigation report will be released in spring 2018. EPA will schedule community meetings once the report is released to provide a summary of the findings and answer questions.

The Ambrosia Lake non-time critical removal assessments are also continuing. Field work in the western and eastern areas of Ambrosia Lake has been completed and the central area will be completed in 2018. The data is being utilized to prepare Engineering Evaluation/Cost Analysis (EE/CA) Reports for these areas. This work is being funded by proceeds from the Tronox Settlement.

Coordination meetings are held on a regular basis with Region 6, Region 9, Navajo Nation, New Mexico Environmental Department, and the New Mexico Energy, Minerals and Natural Resources Department to discuss priorities for current and future removal work in the legacy uranium mines under the Tronox settlement. The next meeting is scheduled for March 27 - 28, 2018, at the Bureau of Indian Affairs office in Albuquerque, New Mexico.

EPA is currently evaluating the San Mateo Creek Basin Uranium Legacy Site for potential National Priorities List proposal. On February 14, 2018, a tribal consultation meeting was held

with the Navajo Nation. On February 27, tribal consultation meetings were held with the Pueblo of Acoma and the Pueblo of Laguna. The purpose of the meetings was to provide information to the tribal leadership about the listing, to solicit input, and also to request a letter of support for the NPL proposal. The EPA anticipates proposing the San Mateo Creek Basin Uranium Legacy site to the National Priorities List in the spring of 2018. **Ben Banipal, 214-665-7324, Blake Atkins 214-665-2297, Ronnie Crossland, 214-665-2721**

## **BROWNFIELDS**

### **128a Tribal Response Program Updates:**

- Region 6 received **FY18 Funding Requests** from six 128a Tribal Response Programs, including the Inter-Tribal Environmental Council, Eight Northern Indian Pueblo Council, Absentee Shawnee Tribe, Kickapoo Tribe of Oklahoma, Choctaw Nation and the Muscogee-Creek Nation. We anticipate we will be notified of the final allocation decisions in April and will then begin the award process. **Tony Talton, 214-665-7205**
- The **Region 6 Brownfields Conference** will be held in Addison, TX from June 12 - 14, 2018. All tribal entities interested in learning more about the EPA Brownfields Program are invited to attend! For more information, including registration and hotel information, contact Mary Kemp at [kemp.mary@epa.gov](mailto:kemp.mary@epa.gov) or 214-665-8358. **Tony Talton, 214-665-7205**
- The **Oklahoma Brownfields Conference** will be held in Oklahoma City from September 26 - 28, 2018. For more information, including registration and hotel information, contact [Alisha.grayson@deq.ok.gov](mailto:Alisha.grayson@deq.ok.gov) or 405-702-5113. **Tony Talton, 214-665-7205**
- The **Choctaw Nation and Muscogee-Creek Nation** have begun establishing their 128a programs. These programs are among the newest 128a recipients, having received their first allocation in October 2017. **Tony Talton, 214-665-7205**

## **BROWNFIELDS CLEANUP GRANT**

**Kickapoo Tribe of Oklahoma:** The Kickapoo Tribe of Oklahoma was selected to receive Brownfields Cleanup grant funding in the FY 2017 Brownfields grant competition. EPA Region 6 awarded the \$200,000 Brownfields Cleanup grant to Kickapoo Tribe of Oklahoma to clean up the asbestos and lead-based paint in the heritage Kickapoo gymnasium. The effective date of the grant was October 1, 2017. The Phase II environmental site assessment to sample exterior paint for lead content and the roof for the presence of asbestos containing materials on the Kickapoo Gymnasium is expected to be assigned to contractor by the end of March 2018. **Tony Talton, 214-665-7205**

## **TARGETED BROWNFIELDS ASSESSMENT ACTIVITIES**

**Santa Clara Pueblo:** On February 21, 2018, the Final Phase I ESA report on the Bridge Radiator Shop in Espanola, NM, was sent to the Santa Clara Pueblo. A follow-up call to discuss the Phase I ESA report and next steps for the Bridge Radiator Shop will be held in March 2018. **Tony Talton, 214-665-7205**

**Cochiti Pueblo:** In January 2018, Kansas State University (KSU) Technical Assistance to Tribal Brownfields met with Cochiti Pueblo to continue discussions about potential reuses on the closed Cochiti Gravel Mine. In March 2018, the Phase III Environmental Site Assessment (ESA) (cleanup/stabilization plan) for the closed Cochiti Gravel Mine will be assigned to a contractor. *Tony Talton, 214-665-7205*

**Acoma Pueblo:** In March 2018, the Phase II ESA for the closed U.S. Department of Commerce Economic Development Administration building in Acoma Village will be assigned to contractor to complete survey of hazardous substances in building.

In January 2018, the University of New Mexico Architecture School met with Acoma Pueblo to discuss reuse planning assistance for the Acoma School and a closed gas station/convenience store. *Tony Talton, 214-665-7205*

**Laguna Pueblo:** NMED is in process of awarding work to complete a limited Phase II ESA to sample monitoring wells, an abandoned drinking water well and indoor air. EPA Region 6 Targeted Brownfields Assistance will work with NMED and Houston Mobile Lab to coordinate use of summa canisters as part of limited Phase II ESA. Additionally, EPA Region 6 TBA will undertake follow-up Phase II ESA sampling based upon results from limited Phase II ESA and Laguna Pueblo priorities. *Tony Talton, 214-665-7205*

#### **SUPERFUND TRIBAL COOPERATIVE AGREEMENTS**

##### **Tar Creek Superfund Site Operable Unit (OU) 4:**

- **Elm Creek Distal Zone Chat Base 199:** EPA and the Quapaw Tribe of Oklahoma are negotiating a work plan and budget for the Elm Creek Distal Zone, Chat Base 199. The Tribe requested \$2,563,308 for continuing remediation and restoration of Chat Base 199. The period of performance would be from May 1, 2018 through April 30, 2022. To date, \$12,096,449 has been awarded to the Tribe toward this effort. *Tony Talton, 214-665-7205*
- **Marketable Chat Piles CP073, CP077, and CB076:** EPA and the Quapaw Tribe of Oklahoma are negotiating a work plan and budget to fund the removal of marketable chat piles CP073 and CP077, and chat base CBO76. The Tribe requested \$5,841,667 to conduct the remediation. The remedial action will include the hauling of marketable chat to a processor. Removal of the marketable chat will simplify the remediation of the remaining chat source material and subsequent restoration efforts. The period of performance would be from May 1, 2018 through April 30, 2022. *Tony Talton, 214-665-7205*
- **Elm Creek Distal Zone 10 and 12:** EPA and the Quapaw Tribe of Oklahoma are negotiating a revised work plan and budget to continue the remediation and restoration of Elm Creek Distal Zones 10 and 12. The Tribe requested \$1,319,929 to continue remediation and restoration of Distal Zones 10 and 12. The period of performance would be through March 31, 2021. To date, \$10,650,852 has been awarded to the Tribe toward this effort. *Tony Talton, 214-665-7205.*



**Santa Clara Pueblo, North Railroad Avenue Plume:** The Santa Clara Pueblo requested a one-year, No Cost Time Extension to extend the budget and project periods of their Cooperative Agreement. This request was approved by the Project Officer, as it ensures our Tribal partner continues its meaningful involvement and management assistance activities at the North Railroad Avenue Plume Superfund Site. The No Cost Extension was approved for processing by the Grants Management Office on January 31, 2018. The new project period end date will be March 31, 2019. ***Tony Talton, 214-665-7205***

**Pueblo of Laguna, Jackpile Mine Superfund Site:** The first Cooperative Agreement (CA) between the Pueblo of Laguna and Region 6 for the Jackpile Mine site was approved. This CA allows the tribe to conduct management assistance activities and ensures the tribe's meaningful involvement in the Remedial Investigation/Feasibility Study process. The first incremental award to the Pueblo of Laguna is in the approval process and is anticipated to be awarded in late April. ***Tony Talton, 214-665-7205***

### **TRAINING**

**Tribal Summit** – Various Superfund and Brownfields break-out sessions will be available during the Tribal Summit in Dallas on April 11 – 13, 2018.

## Management Division

### INFORMATION SHARING

#### BUDGET UPDATE

The Agency is currently operating under our fifth Continuing Resolution (CR) for FY 2018. The most current CR provides the Agency with funding through March 23, 2018 and uses FY 2017 enacted levels as its base. Overall, we have received approximately 47.0% of last year's enacted funds for the first six months of FY 2018.

While under the CR, EPA may continue current programs and activities as authorized under the conditions of the FY 2017 Appropriations Act. New programs, initiatives, or activities not authorized or funded in FY 2017 may not be started.

***Heather Chandler, 214-665-8032***

#### STRATEGIC PLAN UPDATE

The Agency's new [FY 2018 – FY 2022 Strategic Plan](#) was released on February 12, 2018. The new plan emphasizes Administrator Scott Pruitt's "Back-to-Basics" agenda and focuses the Agency efforts on three overarching goals that reflect my core philosophies: (1) refocus the Agency back to its core mission; (2) restore power to the states through cooperative federalism; and (3) adhere to the rule of law and improve Agency processes.

Also, the *EPA Reform Plan* was released on February 12, 2018, as part of the FY 2019 budget. It was developed in response to the President's March 2017 Executive Order calling for a *Comprehensive Plan for Reorganizing the Executive Branch*.

The Reform Plan includes 11 reform projects, with the deployment of the EPA Lean Management System serving as the foundation for these efforts. The plan includes the following projects: Speeding up Environmental Permitting; Reducing Unnecessary Industry Reporting Burden; Maximizing Infrastructure Investments; Examining EPA Field Presence; Tailoring State Oversight; Improving Management of EPA Laboratories; Enhancing Human Resource Shared Services Centers; Speeding Up the EPA Acquisition Process; Eliminating the State Implementation Plan Backlog; Speeding Up FOIA Responses; and Increasing Flexibility in State and Tribal Assistance.

Together the Strategic Plan and the Reform Plan set a roadmap for EPA to better achieve our mission of protecting human health and the environment, while improving the efficiency and effectiveness of our processes and operations. ***Amy Camacho, 214-665-7175***

Links to both the new Strategic Plan and Reform Plan are as follows:

FY 2018 – FY 2022 Strategic Plan - <https://www.epa.gov/planandbudget/strategicplan>  
EPA Reform Plan - <https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-congressional-justification-all-tabs.pdf>

## **QUALITY ASSURANCE TRAINING UPDATE**

Region 6 will provide Quality Assurance Training early this summer of 2018 in Addison, Texas. Announcements of this training will be distributed soon. Quality Assurance staff will also coordinate with the Inter-Tribal Environmental Council for dates and locations for training in Oklahoma this Fall. ***Walt Helmick, 214-665-8373***

## Office of Environmental Justice, Tribal and International Affairs

**EPA Region 6 Administrator Visit to the Pueblo of Santa Clara:** EPA Region 6 Administrator Anne Idsal and Arturo Blanco, Office of Environmental Justice, Tribal and International Affairs Director, visited the Pueblo of Santa Clara and met with Governor J. Michael Chavarria, other Pueblo leadership and Pueblo staff. The group toured the Pueblo's watershed, where the Pueblo showed the EPA visitors the watershed issues at the Pueblo due to previous fires and flooding. *Arturo Blanco, 214-665-3182*



### TRIBAL FUNDING

**Region 6 General Assistance Program (GAP):** OEJTIA is currently reviewing FY GAP 2018 proposals consisting of workplans and budgets. The Region received sixty-four proposals, including several multi-year proposals, requesting over \$8 million in GAP funding. The Region

is expected to make twelve Performance Partnership Grant (PPG) awards this year, the most tribal PPGs awarded by Region 6. ***Randy Gee, 214-665-8355 and Jay Harris, 214-665-2260.***

### **EPA-TRIBAL ENVIRONMENTAL PLANS**

OEJTIA finalized thirteen EPA-Tribal Environmental Plans (ETEPs) by September 30, 2017. OEJTIA is working with tribal partners to finalize eleven ETEPs by the end of calendar year 2018. Regions are required to work with tribal partners receiving Indian Environmental General Assistance Program (GAP) grants to establish ETEPs as outlined in the May 15, 2013 GAP guidance. The ETEPs will contain tribal environmental priorities, how the Region can assist tribal partners in achieving their priorities, and EPA's direct implementation role in Indian Country. ***Randy Gee, 214-665-8355 and Ira Hight, 214-665-8137.***

### **TRIBAL CONSULTATION AND COORDINATION**

**EPA Policy on Consultation and Coordination with Indian Tribes: Opportunities for Consultation:** The following tribal consultation opportunities in Region 6 are ongoing:

- *Sac and Fox Nation Oklahoma NPDES Permit Tribal Consultation*
- *Town of Taos WWTP NPDES Permit Tribal Consultation*
- *San Mateo Creek Basin National Priorities List Tribal Consultation*



San Mateo Creek Basin Tribal Consultation at the Pueblo of Laguna



San Mateo Creek Basin Tribal Consultation at the Pueblo of Acoma

Tribal consultation opportunities can be viewed at [www.epa.gov/tribal](http://www.epa.gov/tribal). **Randy Gee, 214-665-8355**